IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 269 OF 2005

IN

SUM. SUIT NO. 2653 OF 2004

Teja Raja Jogadia ... Plaintiff

vs.

Ganesh T. Dalvi & Anr. ... Defendants.

Mr. B. N. Jha i/by P.I. Vakil for plaintiff.

Mr. D.D. Mehta i/by Mulla & Mulla

for defendants.

CORAM : S.U. KAMDAR, J.

DATED : 25TH OCTOBER, 2005.

P.C.

. The present suit is filed on bill of exchange for recovery of a sum of Rs. 5 lacs and interest thereon at the rate of 18% per annum. The total comes to Rs. 5,20,000/-. The defendants are served with the writ of summons. The defendant no. 1 only has filed vakalatnama. The defendant no. 1 is served with the summons for judgment. Affidavit of service of the summons for judgment dated 14.10.2005 is taken on record. Inspite of service

neither reply is filed nor any one appears on behalf of defendant no. 1. The plaintiffs have filed compilation of documents which is taken on record and marked P-1 collectively. In view of the fact that defendant no. 1 has not filed reply, the summons for judgment is made absolute as against defendant no. 1. Defendant no. 2 has not filed vakalatnama. In that view of the matter, suit is also decreed as against defendant no. 2. The suit is accordingly disposed of. No order as to costs. In view of the disposal of the suit, summons for judgment does not survive. The same is dismissed as infructuous.

. C.C. expedited.